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24 *Counsel for Plaintiffs*

25 UNITED STATES DISTRICT COURT
26 NORTHERN DISTRICT OF CALIFORNIA

27 ANDREA RESNICK, GARY BUNKER, JOHN) Case No. C 09-0002 PJH
28 HALEY, AMY LATHAM, ERIC ROSLANSKY,)
and KEVIN SIMPSON, on behalf of themselves) DECLARATION OF PETER A. BARILE III IN
and others similarly situated,) SUPPORT OF PLAINTIFFS' OPPOSITION TO
Plaintiffs,) DEFENDANTS' MOTION FOR
v.) ADMINISTRATIVE RELIEF
WALMART.COM USA LLC, WAL-MART)
STORES, INC., and NETFLIX, INC.,)
Defendants.)
Barile Decl. in Support of Opposition To Defendants' Motion for Administrative Relief Case No. C 09-0002 PJH

1 I, Peter A. Barile III, declare as follows:

2 1. I am an attorney with the law firm of Howrey LLP, counsel for Plaintiffs in this
3 action.

4 2. I am admitted to practice before this Court *pro hac vice*.

5 3. I submit this declaration in support of Plaintiffs' Opposition to Defendants'
6 Motion for Administrative Relief to Continue Case Management Conference and Postpone
7 Filing of Joint Case Management Statement.

8 4. On March 10, 2009, Robert G. Abrams of Howrey LLP sent an email to
9 Defendants' counsel, providing defense counsel with a draft consolidated joint case management
10 statement and proposed schedule that was to be vetted with all plaintiffs after initial feedback
11 from Defendants' counsel.

12 5. A true and correct copy of Mr. Abrams' communication to Defendants' counsel is
13 attached hereto as Exhibit A.

14 6. A true and correct copy of Defendants' submission to the JPML in support of
15 centralization in this Court is attached hereto as Exhibit B.

16 I declare under penalty of perjury this 13th day of March, 2009, that the foregoing is true
17 and correct.

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